

HAMPTON CONSERVATION COMMISSION
October-25, 1988

Members present: Stephen Joyce, chairman
Irene Palmer
Peg Lawrence
A. Reid Bunker,
Peter Tilton, Jr.
Robert Colledge, alternate

The chairman called the meeting to order at 7:10 p.m.

Peg Lawrence moved to accept the minutes of September 27 with one correction. Mr. Bunker seconded and the vote was unanimously in favor.

Purchasing Properties Mr. Joyce said that town counsel, John McEachern, had been asked to come to the meeting to explain the legalities of the commission purchasing a piece of property.

Mr. McEachern gave commission members a brief outline similar to the state program. He recommended that the commission meet in executive session with the board of selectmen. After that, if the commission decided to make an offer, they can present it to the seller. A public hearing on the purchase would have to be held later on, he said, adding that the purchase and sales agreement would be subject to necessary approvals.

Mr. Joyce said he spoke to Roberta Jordan, who said she wanted commission members to come with her while she targets certain pieces of property off state inventory. The chairman said if any land is to be bought, the commission can have a large meeting with one presentation, with follow-up by interested individuals, or can set up meetings with smaller groups. He said it depends on the conservation commission getting moneys through town meeting.

Ms. Jordan's feeling was that the amount the commission was talking about offering was fairly small, Mr. Jordan said, adding that Ms. Jordan advised the board to go after larger chunks of land.

The attorney clarified that a land aquisition vote can be taken in an executive session.

Frances Onley - Mr. Joyce said Mr. Onley asked for his presentation to be postponed until next month.

Michael Carnaby appeared before the commission to discuss his proposed Tide Mill Rd. industrial development. He explained that the line dividing the industrial and residential zones runs in the middle of his property. He said in August, the plans he sent to the commission got lost, so the members never saw his proposal.

Pointing out that a creek runs through his property, Mr. Carnaby said that part of his land is wet and marshy. Carnaby, who runs a theatrical business, wants to expand. He said that according to ordinance, when a landowner has property in 2 zones, he can get a variance for the least restrictive use. He said he's running his business legally.

Mr. Tilton said the commission had asked Mr. Carnaby for a high intensity soils map. Mr. Carnaby replied that it was still in the process of getting completed. He said he had a high intensity study done at one piece of his property that had standing water. That piece was determined to be very poorly drained in the center, and poorly drained around the edge, he said.

Because he would be creating another non-conforming use by encroaching on the residential zone, Mr. Carnaby said it seemed neater to put his access in the industrial zone, which would allow him to conform to regulations as much as possible. He said the ZBA wanted to know how the commission felt about the wetlands aspect of his plans.

Mrs. Lawrence said a decision can't be made until the commission receives a soils study.

Mr. Tilton said he felt that one part of Mr. Carnaby's parcel was less biologically important than the other. He predicted Carnaby's biggest obstacle will be neighbors concerned about runoff. He suggested that Mr. Carnaby hire an engineering firm to inform his abutters that runoff won't be adversely affected. Mr. Tilton said that the land is wet, but has no value other than flood retention.

Mr. Joyce said the commission will have to sit down with the Carnaby's engineer and find out how he can drain without a runoff problem.

Mr. Carnaby said Mr. Parker is a good engineer and wouldn't design anything that didn't have good control of runoff.

Mr. Joyce said Mr. Carnaby would be filling in poorly drained soil, and the commission would need to see a high intensity survey and a good engineering study on drainage. He said the commission would also like to see Mr. Carnaby present plans to the town engineer before coming back, and will need state dredge and fill approved as well.

Mr. Tilton said that when the site is inspected by state coastal officers, the commission will get an opinion on the effect on the wildlife habitat.

Mr. Carnaby said he's been trying to follow the system, but keeps getting moved from one board to the next. Mr. Joyce told him the most important thing to get for the conservation commission is the high intensity soils. Mr. Tilton said the commission will try to have a representative out at the site when the state comes through.

Business Meeting

Town Meeting Moneys - Mr. Joyce asked about the process for obtaining town meeting moneys. Mr. Tilton answered that a special article needs to be posted in advance. A petition for a money article with signatures has to be submitted to the town manager. It's then put on the budget committee's agenda, and if that committee recommends it, it will go to town meeting.

Wetlands Enforcement - Mr. Tilton suggested a possible amendment to the wetlands ordinance in which he'd add a third clause or subsection under the section about purposes of the wetlands ordinance. The change would require a public hearing with the planning board and then a special article submitted by the planning board.

Book Dedication - Mrs. Lawrence presented a book called "The National Geographic Society - 100 Years of Adventure and Discovery" by C.D.B. Bryan, costing \$45, to be given to the library in memory of the late Nelson Grant, an active member of the conservation commission. Mr. Tilton moved to purchase the book to give it to the library and Mr. Reid seconded.

Radcase lot - Mrs. Lawrence mentioned there was water running out of the lot and down High St. for at least 2-3 days. Mr. Tilton said he'd been to the wetlands board, the state solid waste committee and building inspector Ray Hutchinson.

Mr. Joyce said Mr. Radcase has been allowed to clear the land and fill. Mr. Bunker suggested notifying the Army Core of Engineers. Mr. Tilton then moved to that a letter be written from the conservation commission chairman to the Army Core saying that the problem has been brought to the commission's attention, and enforcement is expected. Mrs. Lawrence seconded the motion and the vote was unanimously in favor.

Mr. Tilton then said he will check and see if he can find the permit numbers, documentation and reference of the case so that they can be sent to the Army Core of Engineers. Mr. Tilton said the lot can be referred to Walter Biery, or Consultants Diversified Services, Inc.

No Updates - Mr. Joyce said the state is overburdened and can't check every call they get about something suspicious going on. He said the conservation commission never receives updates on changes made between the time the conservation commission approves a permit and when the state approves it.

Marsh Guide - Mrs. Palmer mentioned that Ruth Stimson did her marsh guide tour. It was held on a less-than-promising day with fewer in attendance than expected, but everyone there enjoyed themselves. Each person who took the tour received a copy of the conservation commission's marsh guide.

Mr. Gollidge moved to adjourn at 9:15 p.m.
Mrs. Lawrence seconded the motion and the vote was unanimous.

Respectfully submitted,
Maureen Cummings, Secretary